

REMARKS/ARGUMENTS**Rejections Under 35 U.S.C. §112**

The Examiner has rejected claims 1 and 3-13 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully disagree.

The Examiner argues that the specification as originally filed does not provide support for the limitation “copolymer of propylene and ethylene having an ethylene content of greater than 0% by weight and less than about 10% by weight.” In fact, the specification as originally filed does support this limitation. In the specification as originally filed, paragraph 32 provides, in pertinent part, the following:

“The polypropylene of the present invention is preferably a polypropylene copolymer and **ethylene in an amount ranging from about 0 to about 10% by weight of the polypropylene**, and more preferably in an amount ranging from about 1 to about 3% by weight of the polypropylene.”

(emphasis added)

Thus, the specification as filed does provide support for the above-referenced limitation.

The Examiner further argues that the specification as filed does not provide support for the exclusion of about 10% ethylene, by weight, from the propylene-ethylene copolymer. Again, Applicants respectfully disagree. As noted above, the specification as filed provides support for the entire range of ethylene from 0% by weight to 10% by weight. As such, support is provided for each and every value within that range, and for any range of values within that range. Considering it logically, one might ask whether 0% ethylene is disclosed. As noted above, it is. One might then progress through values within the range of 0% to 10% by weight and ask whether each of these values is disclosed. Again, the answer is yes (the Examiner admits that the

upper value of 10% is disclosed, though the Examiner is mistaken about the lower value being 2% rather than 0%). It is well-settled that an Applicant for Letters Patent need not claim all that he discloses. Applicants' claim language merely serves to claim all that Applicants have disclosed with respect to this particular element, except that Applicants do not claim an ethylene content of 10%, by weight, in the non-cling layer (though they do claim all content below 10% by weight). In view of the above, Applicants respectfully request that the Examiner withdraw the rejection to claims 1 and 3-13 under 35 U.S.C. §112, first paragraph.

The Examiner has rejected claims 1, 3-13, 56 and 57 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. The Examiner states that the phrase "less than about 10% by weight" renders the claims indefinite. Specifically, the Examiner argues that the inclusion of the phrase "less than" along with the word "about" renders the claim indefinite. Applicants have amended claim 1 herewith to remove the word "about" where it appears in the phrase "less than about."

With respect to claim 56, the Examiner argues that the phrase "C₃-C₁₀ α-olefins" renders the claim indefinite in the context used because a propylene monomer is indistinguishable from a C₃ α-olefin. Applicant has, herewith, amended claim 56 to change "C₃-C₁₀ α-olefins" to "C₄-C₁₀ α-olefins."

With respect to claim 57, the Examiner states that the phrase "said monomer" lacks a clear antecedent basis. Applicants have amended claim 57 herewith to make claim 57 dependent upon claim 56, which does provide an antecedent basis for the phrase "said monomer."

In view of the above, Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. §112, second paragraph.

Rejections Under 35 U.S.C. §103(a)

The Examiner has rejected claims 1, 3-13, 24-36, and 38-60 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,955,205, issued to Ramsey et al., in view of U.S. Patent No. 5,399,426 to Koch et al., and U.S. Patent No. 5,208,096 to Dohr.

The Examiner states that Ramsey et al. disclose a stretch cling film having a cling layer comprising ultra low-density polyethylene having a density less than 0.915. Applicants have amended claim 1 herewith to provide that the cling layer comprises a *heterogeneously branched* ultra low density polyethylene. The film of Ramsey et al. requires that the polymer used in the reverse (cling) layer be a homogeneously branched polymer (see abstract; column 5, lines 3-16; column 6, lines 15-20). Neither Koch et al. or Dohrer teach or suggest the substitution of a heterogeneously branched polymer for the reverse layer of Ramsey et al., and in fact, Ramsey et al. teaches away from such a usage (see column 6, lines 65-67 and column 7, lines 1-6). No new matter has been added. As noted in the Ramsey et al. patent, linear polyethylenes created by using Ziegler-Natta processes are heterogeneously branched and not homogeneously branched. Paragraph 23 of the specification as filed indicates that the ULDPE polymers of the present invention may be produced using Ziegler-Natta methods. Thus, the specification as filed supports the inclusion of “heterogeneously branched” in claims 1 and 24.

With respect to claims 3-13, Applicants note that these claims are dependent upon claim 1, which is allowable for the reasons given above. Thus, these claims are allowable as depending from a patentable base claim.

With respect to claims 25-36, these claims are, ultimately, dependent upon claim 24, which is allowable for the reasons given above. Thus, these claims are allowable as depending from a patentable base claim.

With respect to claims 38-56, these claims are, ultimately, dependent upon claim 24, which is allowable for the reasons given above. Thus, these claims are allowable as depending from a patentable base claim.

With respect to claim 57, this claim has been amended as described above to depend from claim 56, thereby providing proper antecedent basis for the use of the phrase "said monomer" in claim 56. Further, the claim is, ultimately, dependent upon claim 24, which is allowable for the reasons given above. Thus, this claim is allowable as depending from a patentable base claim.

With respect to claims 58-60, these claims are, ultimately, dependent upon claim 24, which is allowable for the reasons given above. Thus, these claims are allowable as depending from a patentable base claim.

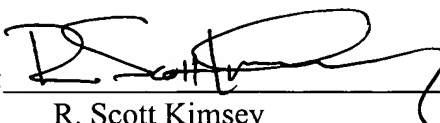
In light of the foregoing, Applicants respectfully submit that all claims of the present application have overcome the Examiner's rejections and that the application is in condition for allowance.

Applicants respectfully request consideration of the Remarks set forth herein. Please acknowledge receipt by returning the enclosed postcard.

Respectfully submitted,

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